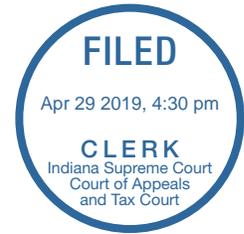


In the
Indiana Supreme Court
Cause No. 19S-MS-41



Order Amending Administrative Rule 4

Language Access Task Force

On January 26, 2017, the Court issued an order creating an Advisory Task Force on Language Access in Indiana Courts (Language Access Task Force). The order directed the Language Access Task Force work under the auspices of the Indiana Supreme Court, and with the support of the Indiana Office of Court Services, to address the issue of providing effective, fair, and efficient language access in Indiana courts, and to present findings and recommendations to the Court on the best method to meet that challenge within Indiana's judicial system.

In conducting its work, the Language Access Task Force specifically addressed the particular matters below, in addition to any other matters it believed was relevant to its charge:

- a. development of a statewide Indiana Language Access Plan;
- b. development of a statewide program for remote video interpreting services;
- c. the statewide interpreter certification program and supporting processes;
- d. the translation of court documents and materials into languages other than English; and
- e. policies and procedures for implementing and evaluating the above.

The Court recognizes that the language barrier is a continuing, substantial impediment to access to justice to foreign-born members of our society, children raised in homes where English is not the primary spoken language, and members of the deaf community. On February 15, 2019, the Language Access Task Force delivered the final Indiana Language Access Plan. Additionally, the other matters assigned to the Language Access Task Force still need to be fully addressed.

Today by this same order, the Court amends Administrative Rule 4 to create the Language Access Advisory Committee. Because these issues no longer need to be addressed by the Language Access Task Force, we order this Language Access Task Force be dissolved.

Advisory Task Force on Remote Access to and Privacy of Electronic Records

Indiana Code 33-24-6-3 directs the Supreme Court's Office of Judicial Administration to "examine the administrative and business methods and systems employed in the offices of the clerks of court and other offices related to and serving the courts and to make recommendations for necessary improvement."

To further that legislative directive, this Court created its Records Access and Management Committee (RMC) to "conduct a continuous study of the practices, procedures, and systems for the maintenance, management, and retention of court records employed by the courts and offices serving the courts of this state." Ind. Adm. R. 4(A).

On February 3, 2016, this Court found that technological developments since the adoption of Administrative Rule 9 warranted a renewed study of best practices and policies on Internet access to electronic court records and issued an order creating an Advisory Task Force on Remote Access to and Privacy of Electronic Records (Remote Access Task Force). The Court directed that the Remote Access Task Force was to work under the auspices of the RMC and Court Technology.

The Remote Access Task Force, as directed by the Order, submitted a written report with findings and recommendations on November 1, 2016. After receiving public comments on the report, the Court then directed several steps to provide greater online access to court records for the public and attorneys. Many of these steps were implemented through the course of 2017. The Remote Access Task Force provided a second written report on March 1, 2018, with additional recommendations, and has substantially completed its mission.

We find that the goals of the Remote Access Task Force can sufficiently be met by the Records Access and Management Committee as amended in Administrative Rule 4, below. We therefore dissolve the Advisory Task Force on Remote Access to and Privacy of Electronic Records.

Under the authority vested in this Court to provide by rule for the procedure employed in all courts of this state and this Court's inherent authority to supervise the administration of all courts in this state, the Indiana Administrative Rules are amended as follows (deletions shown by ~~striking~~ and new text shown by underlining):

Rule 4. Committees and Commissions

~~(A) Records Management Committee.~~

- ~~(1) — Creation and Members.~~** ~~There is hereby created a committee to be known as the Records Management Committee. The Records Management Committee shall consist of not more than twenty-eight (28) members representative of the agencies responsible for the management and maintenance of the records of the courts throughout the State of Indiana. The members of the Records Management Committee shall be appointed by the Supreme Court and shall serve at the pleasure of the Court. With the exception of the permanent members, each member shall serve a staggered term of three (3) years. A member may serve two (2) consecutive terms, plus any unexpired term of a previous member. A vacancy on the Commission shall be filled by the Supreme Court for the unexpired term of the departing member. Permanent members shall consist of a member of the Supreme Court, appointed by the Supreme Court, who shall serve as chair of the Committee; the State Public Defender; the Executive Director of the Prosecuting Attorneys Council; the Clerk of the Supreme Court, Court of Appeals, and Tax Court; the Director and Counsel for Trial Court Technology; and the Executive~~

~~Director of the Indiana Office of Court Services. The remaining membership shall consist of eleven (11) trial court judges and judicial officers; three (3) members from the staff or administrative agencies of the Indiana Supreme Court and the Court of Appeals; three (3) circuit court clerks; three (3) court administrators; and two (2) practicing attorneys. The staff of the Indiana Office of Court Services shall assist the Committee in the performance of its duties. In making appointments to the Committee, the Supreme Court should seek to ensure that the members represent the geographic, ethnic, racial, and gender diversity of Indiana.~~

- ~~(2) — **Duties of the Committee.** The Records Management Committee shall conduct a continuous study of the practices, procedures, and systems for the maintenance, management and retention of court records employed by the courts and offices serving the courts of this State. Such study may include micrographics, imaging, copiers, fax machines, courtroom security and disaster prevention planning. The committee shall submit to the Supreme Court from time to time recommendations for the modernization, improvement and standardization of such practices, procedures and systems.~~
- ~~(3) — **Meetings and Compensation.** The Records Management Committee shall meet at the call of the chair. The Records Management Committee shall act by vote of a majority of the members present at a committee meeting. All members who are public employees shall serve without compensation. Members who are not public employees shall receive a per diem compensation as the Supreme Court shall fix from time to time. All members shall receive mileage and reimbursement for reasonable expenses necessary for the performance of any duty incidental to service on the Records Management Committee.~~
- ~~(4) — **Suggestions for Improvement.** The Committee shall encourage suggestions from all interested parties and the public for the improvement of the records management system employed by the courts and court agencies. These recommendations should be submitted in writing to the Indiana Office of Judicial Administration (IOJA).~~

(A) Creation and Duties.

(1) Judicial Conference Committees. Indiana Code section 33-38-9-5 permits the Judicial Conference of Indiana to create committees to carry out its business. As directed by the Judicial Conference Board of Directors, each committee shall complete its duties as assigned.

~~(B) Deleted, eff. November 20, 2014.~~

~~(C)(2) Indiana Supreme Court Commission on Race and Gender Fairness.~~

~~(1) — **Creation and Members.** There is hereby created a commission to be known as the Indiana Supreme Court Commission on Race and Gender Fairness. The commission shall consist of not less than ten (10) and not more than twenty five (25) members representative of the Indiana judiciary, the practicing bar, academia, state and local government, public organizations, law enforcement, and corrections. The members of the commission shall be appointed by the~~

~~Supreme Court and shall serve for a period of five (5) years each at the pleasure of the Supreme Court. The Supreme Court shall appoint a chair of the commission. A member of the commission shall serve as secretary. The Chief Administrative Officer (CAO) and staff of the IOJA shall assist the commission in performance of its duties.~~

- ~~(2) **Duties of the Commission.** The Indiana Supreme Court Commission on Race and Gender Fairness shall study the status of race and gender fairness in Indiana's justice system and shall investigate ways to improve race and gender fairness in the courts, legal system, among legal service providers, state and local government, and among public organizations. The Commission shall from time to time recommend to the Supreme Court the implementation of policies and procedures which promote these ends race and gender fairness in the courts, among legal service providers in state and local government and by public organizations.~~
- ~~(3) **Meetings and Compensation.** The commission shall meet at the call of the chair. The commission shall act by vote of a majority of the members present at a commission meeting. All members who are public employees shall serve without compensation. Members who are not public employees shall receive a per diem compensation as the Supreme Court shall fix from time to time. All members shall receive mileage and reimbursement for reasonable expenses necessary for the performance of any duty incidental to service on the Commission. **Language Access Advisory Committee.** The Language Access Advisory Committee shall address the issue of providing effective, fair, and efficient language access in Indiana courts, and to present findings and recommendations to the Indiana Supreme Court on the best method to meet that challenge within Indiana's judicial system.~~
- ~~(4) **Indiana Supreme Court Advisory Commission on Guardians ad Litem ("GAL")/Court Appointed Special Advocates ("CASA").** The Commission on GAL/CASA shall conduct a continuous study of the GAL/CASA services in Indiana and shall provide support and guidance to the Indiana Supreme Court on how best to provide GAL/CASA services. The Commission's charge includes but is not limited to providing a long-range strategy for promoting, expanding and training child advocacy GAL/CASA programs. The Commission shall from time to time review the GAL/CASA Program Standards and Code of Ethics and make recommendations to the Supreme Court for their improvement.~~
- ~~(5) **Child Welfare Improvement Committee.** The Child Welfare Improvement Committee shall examine ways to improve safety, timely permanency, and well-being outcomes for children and families involved in the child welfare system.~~
- ~~(6) **Domestic Violence Advisory Committee.** The Domestic Violence Advisory Committee shall advise and make recommendations to the judicial branch regarding domestic violence issues in the state of Indiana.~~
- ~~(7) **Records Access and Management Committee.** The Records Access and Management Committee shall conduct a continuous study of the practices,~~

procedures, and systems for the maintenance, management, and retention of court records employed by the courts and offices serving the courts of this State. Such study shall include the best practices and policies with respect to online access to electronic court records, with consideration to the purposes articulated in Indiana Administrative Rule 9. The Committee shall submit to the Supreme Court from time to time recommendations for the modernization, improvement and standardization of such practices, procedures and systems. The Committee shall encourage suggestions from all interested parties and the public for the improvement of the Records Access and Management system employed by the courts and court agencies, as well as concerns or considerations with respect to the online access to court records. These recommendations shall be submitted in writing to the Indiana Office of Judicial Administration (IOJA).

(B) Meetings and Compensation. Each committee and commission under this Rule shall meet at the call of the chair and shall act by vote of a majority of the members present at a meeting. All members may receive mileage and reimbursement for reasonable expenses necessary for the performance of any duty incidental to service on the committee or commission.

(C) Members. Except as specified in subsections (C)(1)-(3), each committee or commission listed in this Rule shall consist of judicial officers, and other members as appropriate, appointed by the Supreme Court. Members shall serve three-year terms that begin on July 1 of the year of appointment. Each member is limited to two terms, for a maximum of six (6) years of consecutive service. The Chief Justice shall appoint one or more chairs for the committee or commission, with a term lasting for the remainder of the appointment.

(1) Members of the Indiana Supreme Court Commission on Race and Gender Fairness. The commission shall consist of not less than ten (10) and not more than twenty-five (25) members representative of the Indiana judiciary, the practicing bar, academia, state and local government, public organizations, law enforcement, and corrections. The Chief Justice shall appoint one or more chairs for the commission.

(2) Members of the Indiana Supreme Court Advisory Commission on Guardians ad Litem (“GAL”)/Court Appointed Special Advocates (“CASA”). The Commission shall consist of eighteen (18) members representative of the Indiana judiciary and directors of certified, volunteer-based GAL/CASA programs. The Commission shall include three GAL/CASA program directors and one member of the judiciary each from four regions of Indiana (North, South, East, and West) and two at-large members of the judiciary. The Indiana Supreme Court shall appoint the members. The Commission members shall elect a Chair, Vice-Chair, and other officers at the first meeting of the year. The IOCS GAL/CASA Director shall serve as an ex -officio member of the Commission.

(3) Members of the Records Access and Management Committee. The Records Access and Management Committee shall consist of not more than fifteen (15) members representative of the stakeholders responsible for the management and maintenance of, and access to, the records of the courts throughout the State of Indiana. The members of the Records Access and Management Committee shall

be appointed by the Supreme Court and shall serve at the pleasure of the Court. With the exception of the permanent members, each member shall serve a staggered term of three (3) years. A member may serve two (2) consecutive terms, plus any unexpired term of a previous member. A vacancy on the committee shall be filled by the Supreme Court for the unexpired term of the departing member.

(a) Permanent members shall consist of a member of the Supreme Court who shall serve as chair of the committee; the Executive Director of the Indiana Public Defender Commission; the Executive Director of the Prosecuting Attorneys Council; the Clerk of the Appellate Courts; and the Director and Counsel for Trial Court Technology.

(b) The remaining membership shall consist of trial court-level judicial officers, circuit court clerks, court administrators, and members of the Bar with differing experience, including one with legal aid expertise.

~~(D) [RESERVED]~~

~~(E) Indiana Supreme Court Advisory Commission on Guardian ad Litem (“GAL”)/Court Appointed Special Advocate (“CASA”)~~

~~(1) — *Creation, Members and Staff Support.* There is hereby created a commission to be known as the Indiana Supreme Court Advisory Commission on GAL/CASA. The Commission shall consist of eighteen (18) members representative of the Indiana judiciary and directors of certified, volunteer based GAL/CASA programs. The Commission shall include three GAL/CASA program directors and one member of the judiciary each from four regions of Indiana (North, South, East, West) and two at large members of the judiciary. The Indiana Supreme Court shall appoint the members. The term of each member and the chair shall be three (3) years. The terms of the program directors shall be staggered so that one representative is appointed from each region every year. The terms of the judicial representatives shall also be staggered so that two judicial representatives are appointed each year. All members shall serve at the pleasure of the Supreme Court. The Commission members shall elect a Chair, Vice-Chair and other officers at the first meeting of the year. The CAO of the IOJA, the IOJA's GAL/CASA Director and IOJA staff shall assist the Commission in the performance of its duties. The IOJA GAL/CASA Director shall serve as ex-officio member of the Commission.~~

~~(2) — *Duties of the Commission.* The Indiana Supreme Court Advisory Commission on GAL/CASA shall conduct a continuous study of the GAL/CASA services in Indiana and shall provide support and guidance to the Indiana Supreme Court on how best to provide GAL/CASA services. The Commission's charge includes but is not limited to providing a long-range strategy for promoting, expanding and training child advocacy GAL/CASA programs. The Commission shall from time to time review the GAL/CASA Program Standards and Code of Ethics and make recommendations to the Supreme Court for their improvement.~~

~~(3) — *Meetings and Compensation.* The Commission shall meet at least quarterly and at such other times as called by the chair. The Commission shall act by a vote of a majority. For voting purposes, a simple majority of a nine member quorum is required. All members who are public employees shall serve without compensation. Members who are not public employees shall receive a per diem compensation, as the Supreme Court shall fix from time to time. All members shall receive mileage and reimbursement for reasonable expenses for the performance of any duty incidental to service on the Commission.~~

These amendments shall take effect the date of this Order.

Done at Indianapolis, Indiana, on 4/29/2019 .



Loretta H. Rush
Chief Justice of Indiana

All Justices concur.